COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 22, 2005

FILE NO.: #2126128

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY MacDONALD #[redacted]

DEPUTY GEISBAUER #[redacted]

On August 13, 2004, Deputies MacDonald and Geisbauer, Unit 216E, were with Unit 217E PM at the intersection of Holmes Avenue and Slauson Avenue when they all heard several gunshots coming from the north. Both units drove around to try and determine the source of the gunfire. Unit 217E stopped to detain two males and requested Unit 216E to assist them. During this contact, all four deputies heard an additional two rounds being fired from the north. They checked the area and saw a vehicle with no license plate. The vehicle was being driven by a lone male. After the driver looked at them, he rapidly accelerated away. They attempted a traffic stop but the vehicle continued to accelerate. They saw the vehicle slow as Suspect Macias opened the driver's door and exited on the run, as he left the moving vehicle. The deputies stopped behind the suspect vehicle and exited. Deputy MacDonald saw the suspect facing him with a gun in his hands. Fearing the suspect was going to shoot him, Deputy MacDonald drew his duty weapon and began firing at the suspect. He continued to fire while simultaneously running toward a parked vehicle for cover. Deputy Geisbauer exited the passenger's side of the radio car and heard the shooting. He believed that his partner may be involved in an exchange of gunfire and saw the suspect running. The suspect turned back toward Deputy Geisbauer and pointed the gun in his direction. Believing that the suspect was going to shoot him, Deputy Geisbauer began firing at him. The suspect fell to the sidewalk after Deputy Geisbauer shot at him. Suspect Macias sustained a gunshot wound to the head and one to the lower left torso. He was pronounced dead at the scene by paramedics. Neither deputy was injured.

On August 4, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; MMP § 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies MacDonald and Geisbauer was reasonable and necessary and in compliance with Department policy.

Johnny G. Jurado, Commander

TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08-13-04	Bureau/Station/Facility: Century Sheriff Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 004-13726-2199-013	Date: 08-13--2004 Time: 2156
City or Station: Century Station	Nature of Incident: Deputies attempted to stop the suspect for a vehicle code violation. The suspect exited his still moving vehicle with a gun in his hand and pointed it at the uniform deputies. Deputies fired at the suspect, fatally wounding him.
Location: 1724 East 47th Street Los Angeles,	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ______

Lighting (*circle only one*): **Darkness**, Daylight, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 10 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, **Foot Pursuit**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, **One Person Unit**, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
16 & 11 (27)	Unknown

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	AHMAD	KAMAL	M.	EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	GUILLEN	ANTONIA		EM **PM** Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
OFFICER [redacted] # [redacted]	[redacted]	[redacted]		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
LAPD- CITY WIDE GANG TASK FORCE	Los Angeles			
OFFICER [redacted] # [redacted]	[redacted]	[redacted]		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
LAPD- CITY WIDE GANG TASK FORCE	Los Angeles			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	BLACKWELL	GARY	L.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	ARRIAGA	MICHAEL	S.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	HILES	RICHARD	G.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Babbit	John	C.

PSTD Use Only
SH # ______

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-13726-2199-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-13-04	0030	06-29-05	

Employee #	Last Name	First Name	M.I
[redacted]	HARRIS	JOHN	W.
[redacted]	SMITH	RICHARD	G.
[redacted]	SENO	BENNETT	W.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S # 1	E # 1	FH	ZZ	45			NN	
S # 1	E # 1	FH	ZZ	45			NN	
E # 1	S # 1	FH	BR	9	Y	Y	GS	BK
E # 2	S # 1	FH	BR	9	Y	Y	GS	BK

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 004-13726-2199-013

Involved Employee

E 1

Employee # [redacted]	Last Name GEISBAUER	First Name ANTHONY	M.I.
Sex: M Race: Cauc	Rank Deputy	Unit Assignment: FOR II, Century Station	Work Assignment (Unit #, Module, etc.): Patrol, 216-E
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 7-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5' 10"	Weight: 210		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted] M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted] M.I. [redacted]

E 2

Employee # [redacted]	Last Name MAC DONALD	First Name JOHN	M.I.
Sex: M Race: Cauc	Rank Deputy	Unit Assignment: FOR II, Century Station	Work Assignment (Unit #, Module, etc.): Patrol, 216-E
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5' 08"	Weight: 180		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? ☒	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of [redacted] 1
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted] M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted] M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name		First Name M.I.
Field Training Officer Emp #	Last Name		First Name M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 004-13726-2199-013

Suspect Information

S 1

Last Name MACIAS		First Name GERARDO	M.I.
AKA Last Name MACIAS		First Name ARNOLDO	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 24 D.O.B. 12-20-80	Height: 5, 09" Weight: 190	FBI # [redacted]	CII # [redacted]
Booking # Not booked	Primary Charge: 245(D)(1) PC	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2004-06140	Intoxication/Drug Usage? ☒	Substance Used: Meth, Cocaine& Alcohol
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Ford (Ca. Lic # [redacted]		Model: Bronco	Year: 1986

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

December 16, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Peavy:

RE: J.S.I.D. File No. 04-0679
L.A.S.D. File No. 004-13726-2199-013

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 13, 2004, fatal shooting of Gerardo Macias by Los Angeles County Sheriff's (LASD) Deputies Anthony Geisbauer and John MacDonald. We find that the deputies acted in lawful self-defense.

The following analysis is based on reports prepared by detectives from the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office on November 4, 2004. The District Attorney Response Team, comprised of Deputy District Attorney Kraig St. Pierre and Senior Investigator [redacted] responded to the scene at approximately 1 a.m. and were given a briefing of the circumstances surrounding the shooting and a walk-though of the scene. Deputies Geisbauer and MacDonald gave voluntary statements to investigators. Their statements were considered as part of this analysis.

FACTUAL ANALYSIS

On Friday, August 13, 2004, LASD Deputies Anthony Geisbauer and John MacDonald were patrolling in the area of Holmes and Slauson Avenues in the City of Los Angeles when they heard the sound of gunfire and immediately began to search for its source. As they searched the area west of Long Beach Avenue and 48th Place, the driver, Deputy MacDonald, saw a 1986 dark blue Ford Bronco stopped at a traffic signal facing east. The Bronco had expired registration tags and the deputies decided to conduct a traffic stop. They turned their marked patrol car around and pursued the Bronco which had

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

proceeded under a green light and turned northbound onto Long Beach Avenue. Deputy MacDonald activated the car's forward-facing red lights, its spotlight and, briefly, the siren. The Bronco did not stop but turned eastbound onto East 47th Street with the deputies close behind.

When Deputy MacDonald activated the forward-facing red lights the Bronco appeared to accelerate as it made the turn onto East 47th Place causing its rear end to almost strike the north curb. The driver, later identified as Gerardo Macias, a 38th Street gang member with the monikers "Diablo" and "Evil," regained control of the Bronco, guided it back into the eastbound lane of traffic, and slowed to approximately five miles per hour. With the Bronco still moving the driver door opened and Macias got out – the Bronco rolled several more feet until it struck a tree next at the south curb of East 47th Place. Macias held a .45 caliber AMT semi-automatic handgun in his right hand.

Deputy MacDonald stopped the patrol car approximately ten feet behind where Gerardo Macias exited slightly offset to the left of the driver side of the Bronco. Macias faced northwest – almost directly facing Deputy MacDonald – and both deputies could see the gun in his hand as they exited their car. According to Deputy MacDonald, Macias did not initially appear to have complete control of the weapon. Macias momentarily turned his back on the deputies and, upon turning back, held the gun chest-high and pointed at Deputy MacDonald. MacDonald immediately began to fire his department-issued 9mm Beretta at Macias as he ran northeast across East 47th Place to gain cover behind a parked car. His last recollections are of Macias running to the south sidewalk of East 47th Place where, according to MacDonald, Macias must have been hit because he fell to the ground.

Deputy Geisbauer saw Gerardo Macias exit the Bronco with the gun in hand. Within moments Macias began to run eastward down East 47th Place and, according to Geisbauer, Deputy MacDonald gave chase. He next heard the sound of gunfire and was uncertain of who was firing at whom. Macias was approximately twenty-five feet east of Deputy Geisbauer on the south sidewalk of East 47th Place when he turned his upper body and pointed the gun at him. Geisbauer fired several rounds at Macias who, seconds later, collapsed to the sidewalk in front of 1724 East 47th Place. Macias was pronounced dead at the scene.

On August 16, 2004, at approximately 9 a.m., Los Angeles County Deputy Medical Examiner Ajay Panchal, M.D., performed an autopsy on the body of Gerardo Macias. Dr. Panchal determined the manner of death to be multiple gunshot wounds[1]. As part of the autopsy, a toxicological analysis of Gerardo Macias's blood was performed. Macias's blood was found to contain small traces of alcohol, cocaine and methamphetamine. When Macias's body was searched at the scene a small quantity of a white powdery substance was located in his pants pocket. This item was not chemically analyzed.

[1] Although two expended bullets were recovered during the autopsy of Gerardo Macias, no ballistic analysis was performed in order to determine which deputy, or both, fired the fatal shot(s).

Gerardo Macias's criminal record includes a [redacted]

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears to the person claiming the right of self-defense, or the defense of another, that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731

When Gerardo Macias pointed a gun at Deputies MacDonald and Geisbauer, they were lawfully entitled to defend themselves with deadly force. Their respective decisions to do so were both reasonable and lawful.

Having concluded that Deputies MacDonald and Geisbauer were acting in lawful self-defense when they shot and killed Gerardo Macias, our file is now closed and we will take no further action in the matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

KRAIG ST. PIERRRE
Deputy District Attorney
(213) 974-5280

c: Deputy Anthony Geisbauer, #[redacted]
Deputy John MacDonald, #[redacted]